

UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

United States of America

v.

Jose Humberto Gonzalez-Velasquez,
a.k.a. Luis Hernandez-Sanchez, a.k.a Luis
Gonzalez-Velasquez

Case No. 1:18mj197

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 18, 2017 in the county of Durham in the
Middle District of North Carolina, the defendant(s) violated:

Code Section

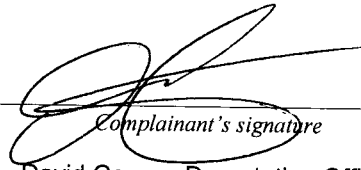
8 USC Section 1326(a)

Offense Description

Being found in the United States while an alien being previously removed or deported from the United States on August 23, 2011, at Hidalgo Texas without the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Sections 1326(a)

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.



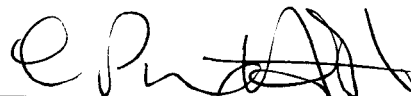
David Correa, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date:

07/11/18



Judge's signature

City and state:

Greensboro, North Carolina

L. Patrick Auld, United States Magistrate Judge

Printed name and title

IN UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

AFFIDAVIT

I, David Correa, Deportation Officer, U.S. Immigration and Customs Enforcement, United States Department of Homeland Security, being duly sworn, state that:

1. Your Affiant is a graduate of the Federal Law Enforcement Training Center (FLETC) and has been employed as a federal officer of Immigration and Customs Enforcement (ICE) for 9 years, during which time he has conducted numerous investigations relating to administrative and criminal violations of the Immigration & Nationality Act (INA).

2. This affidavit is submitted as evidence of probable cause supporting the arrest warrant for Jose Humberto Gonzalez-Velazquez, also known as "Luis Alberto Hernandez-Sanchez", also known as "Luis Gonzalez-Velazquez", (hereafter referred to as "GONZALEZ") for reentry by a previously removed alien. This affidavit does not set forth all information known to your affiant about this case and is being submitted for the purpose of providing sufficient information to establish probable cause but has set forth only those facts believed to be necessary for said purpose.

3. I respectfully assert that sufficient evidence exists to support a probable cause finding that GONZALEZ has violated Title 8, United States Code, Section § 1326(a) (illegal reentry into the United States by an alien who was previously removed from the United States). GONZALEZ did not obtain the consent of the Attorney General of the United States prior to March 1, 2003, nor the Secretary of the Department of Homeland Security after February 28, 2003, to reapply for admission to the United States after said removal.

4. On December 18, 2017, GONZALEZ was arrested by the Durham Police Department, in Durham County, North Carolina for secret peeping and indecent liberties with a child, and transported to the Durham County jail. From there GONZALEZ's fingerprints were submitted to the FBI pursuant to the federal initiative titled Secure Communities via an Immigration Alien Query, thereby running his fingerprints through the Next Generation Identification (NGI) system. NGI is connected to the National Crime Information Center (NCIC) and an automated biometric identification system used by ICE termed IDENT. The fingerprint-based report disclosed that he

was the subject of FBI number XXX7045KD1 and Immigration A-file number XXX-576-507, and that immigration records indicated that he was previously removed from the United States without record of legal re-entry.

5. Your Affiant conducted criminal justice database searches and reviewed Immigration A-file number XXX-576-507 relating to GONZALEZ and discovered that:

- a) his name is Jose Humberto GONZALEZ-VELAZQUEZ;
- b) he is also known as Luis Alberto HERNANDEZ-SANCHEZ;
- c) he is citizen of Mexico by virtue of birth based on his own admission;
- d) he was assigned FBI number XXX7045KD1 and SID number NCXXX7532A;
- e) on January 15, 2007, he was apprehended by United States Border Patrol agents attempting to illegal enter the United States near Sasabe, Arizona then granted voluntary return and was removed to Mexico.
- f) on January 7, 2011, he was encountered by ICE Officers while pending several felonious sex offenses at the Durham County Jail, and determined to be unlawfully present in the United States and placed in removal proceedings;
- g) on August 9, 2011, he was ordered removed from the United States to Mexico by an immigration judge in Lumpkin, Georgia;
- g) on August 23, 2011, agency form I-205 Warrant of Removal/Deportation was executed by including his fingerprint, photo, and signature, and GONZALEZ was removed from the United States to Mexico, on foot, at the Hidalgo, Texas port of entry;
- h) GONZALEZ, of his own volition, reentered the United States on or after August 23, 2011, and did so without obtaining the express consent of the Attorney General or his successor the Secretary of Homeland Security, to reapply for admission;

6. On December 19, 2017, ICE officers conducted record checks of immigration indices and were unable to locate any record that GONZALEZ was granted permission by the Attorney General of the United States or the Secretary of the Department of Homeland Security to apply for admission to the United States after deportation/removal, furthermore, no records were located that would indicate that GONZALEZ was an applicant or a beneficiary of any petition that would allow him to enter into, remain or pass through the United States.


7. GONZALEZ was, on February 2, 2018, advised of his *Miranda* rights, acknowledged he understand them, waived them, and agreed to speak to an immigration officer. In the conversation that followed, GONZALEZ admitted to these facts:

- a. His name is Jose Humberto Gonzalez-Velazquez;
- b. He is a native and citizen of Mexico;
- c. He was previously deported;
- d. He illegally reentered the United States.

8. On February 2, 2018, Your Affiant submitted an FD-249 arrest ten print card taken of GONZALEZ by the affiant dated February 2, 2018, to be compared to the FD-249 arrest ten print card in the immigration A-file XXX-576-507, dated January 7, 2011 and the immigration executed agency form I-205 Warrant of Removal/ Deportation to the Department of Homeland Security's Biometric Support Center - West Latent Print Unit. This was an additional measure taken to further confirm the preliminary fingerprint reports received at time of his recent arrest. The Department of Homeland Security's Biometric Support Center - West Latent Print Unit's results returned a positive biometric fingerprint match on February 2, 2018.

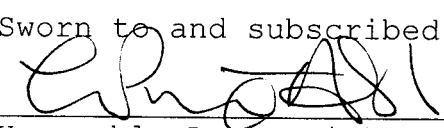
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9. Based on the above information your Affiant respectfully requests the issuance of a criminal complaint against Jose Humberto GONZALEZ-VELAZQUEZ.



David Correa, Deportation Officer
United States Immigration and Customs Enforcement

Sworn to and subscribed before me this the ¹¹ day of July , 2018,



Honorable L. Patrick Auld
United States Magistrate Judge